IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE NINTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 1661 of 2005

Between:

M.Nagaraju, S/o Slundaram,
Hussenapuram village, Orvakal Mandal Kurnool District.

..... PETITIONER

AND

1 The Mandal Revenue Officer, Oorvakal, Kurnool District.
2 The Revenue Divisional Officer, Kurnool, Kurnool District.
3 The Joint Collector, Kurnool, Kurnool District.
4 The District Collector, Kurnool, Kurnool District.
5 G. Ravindra, R/O Hussenapuram Village,
Oorvakal, Kurnool District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or directions more particularly one in the nature of Mandamus declaring one in the nature of writ of Mandamus declaring the orders passed by the Joint Collector, Kurnool in Rc.No. CS3/296/2004, dt. 3-12-2004 as illegal, unjust arbitrary and unconstitutional without proper and passed by the 3rd respondent.

Counsel for the Petitioner:MR.S.NAGESWARA REDDY

Counsel for the Respondent Nos.1 to 4: GP FOR CIVIL SUPPLIES

Counsel for the Respondent No. 5 : Mr K.Ratangapani Reddy.

The Court at the admission stage made the following :

ORDER:

The petitioner claims to be a card holder, which is allotted to a fair price shop of

Husseenapuram Village, Orvakal Mandal, Kurnool District. He challenges the order, dated 03.12.2004 passed by the Joint Collector, Kurnool, Kurnool District, 3rd respondent herein.

The 5th respondent is the fair price shop dealer of the shop referred to above. His authorization was cancelled by the 2nd respondent though his order, dated 30.01.2004. Aggrieved thereby, he preferred an appeal before the 3rd respondent. On a consideration of the appeal and on examination of record, the 3rd respondent passed an order, dated 03.12.2004 setting aside the order of cancellation and restoring the authorization to the 5th respondent.

Learned counsel for the petitioner urges several grounds in his challenge to the order, dated 03.12.2004, such as non-application of mind and non-examination of the record etc.

Heard learned counsel for the petitioner, learned Government Pleader for Civil Supplies and learned counsel for the 5th respondent.

Basically, the petitioner does not have *locus standi* to challenge the order, dated 03.12.2004, which was passed in the appeal preferred by the 5th respondent. By its very nature, it is not adverse to him. On this ground alone, the writ petition is liable to be dismissed.

Learned counsel for the petitioner submits that the petitioner and several others made a representation to the 3rd respondent bringing to his notice, the various acts and omissions on the part of the 5th respondent, and on the basis of the same, an endorsement was made on 03.01.2005 by the 3rd respondent directing stoppage of supply of essential commodities to the 5th respondent.

This Court was surprised to note the same. The 3rd respondent being an appellate authority ought not to have made such endorsements, particularly when he himself allowed the appeal preferred by the 5th respondent one month earlier. The 3rd respondent explained that though an endorsement was made on 03.01.2005, on realizing that such an endorsement ought not to have been made, he has withdrawn the same though proceedings dated 15.01.2005. It is also stated that the 5th

respondent is functioning as fair price shop dealer.

If the petitioner and other respondents have made any allegations against the 5th respondent, which did not constitute the subject matter of the earlier proceedings, it shall be open to respondent No.2 to examine the same and take appropriate action duly following the procedure prescribed under law.

The writ petition is accordingly dismissed. There shall be no order as to costs.

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09.02.2005

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To

1 The Mandal Revenue Officer, Oorvakal, Kurnool District.
2 The Revenue Divisional Officer, Kurnool, Kurnool District.
3 The Joint Collector, Kurnool, Kurnool District.
4 The District Collector, Kurnool, Kurnool District**.**

5 Two C.Cs to the G.P. for Civil Supplies, High Court Buildings, Hyderabad (OUT).
6 2 CD copies